

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY D. SMITH,

Petitioner,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS,

Respondent.

CASE NO. C06-0898RSM

ORDER DISMISSING ACTION
WITH PREJUDICE

The Court, having reviewed the petition for writ of habeas corpus, the Report and Recommendation of Judge Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The petition and petitioner's cause of action are dismissed with prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
- (3) The Clerk is directed to send copies of this Order to petitioner and to the Honorable Monica J. Benton.

DATED this _20_ day of September, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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